IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SECOND DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO.7723 of 1997

Between:

M.Subrhamanyam S/o.Late M.Subba Reddy, Hindu 30 years,
Dependent, Residing in D.No.17-3-250 , Poola Street Tirupathi -517501, Chittoor District.

...PETITIONER

AND

The Tirumala Tirupati Devasthanams, represented by its Executive Officer, Tirupati – 517 501, Chittoor District.

...RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ order or direction especially a writ of Mandamus declaring that the in action of the respondent -Executive Officer, Tirumala Tirupathi Devasthanams, Tirupathi in not extending the benefits of providing compassionate appointment to the petitioner, as regular Record Asst on a time scale of pay and allowances in the other consequential attendant benefits, is arbitrary , illegal and discriminatory and consequently direct the respondent-Executive officer direct the respondent-Executive officer of Tirumala Tirupathi Devasthanams, Tirupathi, to appoint the petitioner as a regular Record Assistant in the time scale of pay in the service of Tirumala-Tirupathi Devasthanams , with effect from the date of the petitioner application with all consequential benefits and back wages and pass such other order or orders.

Counsel for the Petitioner: DR.P.B.VIJAY KUMAR

Counsel for the Respondent: MR.R.VENKAT RAO

The Court made the following:

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO.7723 of 1997

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ORDER:

Heard both sides.

The petitioner, who is the son of an erstwhile employee of Tirumala Tirupathi Devasthanams-respondent, filed this Writ Petition *inter alia* seeking a writ of mandamus for extending benefit of compensatory appointment to him.

The case of the petitioner is that his father was an employee of the respondent herein and he died on 30.08.1975. Immediately, the mother of the petitioner filed an application seeking compensate appointment. However, the same was not considered and ultimately rejected. Thereafter, the mother has filed Writ Petition being W.P.No.4101 of 1993, which was dismissed in the year 1999 on the ground of delay and latches. It is also pointed out that on the very same proceedings, the mother has also requested for appointment to be given to the petitioner. Further, subsequently, during the pendency of the Writ Petition, the present Writ Petition was also filed in the year 1997. In the present Writ Petition, the age of the petitioner was shown as 30 years. The petitioner has become major as long back as in the year

1986.

In support of his contention, learned counsel appearing for the petitioner placed reliance on a decision in ***M.Subrahmaneswara Rao v. The Divisional Manager/Senior Manager, APSRTC*** wherein this Court has considered the case of minor son of the deceased APSRTC employee who applied for a post, on his attaining majority. It was held that there is no delay or latches on his part.

However, in this case, the petitioner himself is aged 30 years on the date of filing this Writ Petition. Even the request made on behalf of the mother as well as himself already stood rejected by this Court in the other Writ Petition being W.P.No.4101 of 1993. Having regard to the same, I do not find any justification to entertain the request of the petitioner at this later point of time.

The Writ Petition is accordingly dismissed.

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(B.PRAKASH RAO, J)

2nd December 2004

RRB

ASSISTANT REGISTRAR

//True Copy//

SECTION OFFICER

Copy To:

1. The Executive Officer, Tirumala Tirupati Devasthanams, Tirupati – 517 501, Chittoor District.
2. Two CD copies.